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PATENT

Practitioner's Docket No. Loeb.M-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marvin P. Loeb, Glenn D. Yeik and L. Dean Crawford

Application No.: 10/783,574

Group No.: 3739

Filed: 02/19/04

Examiner: Not Assigned

For: An Angular Deflection Apparatus For Use In Confined Spaces

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office at (703) ~~871-9306~~ on the date shown below:

~~871-9306~~
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Preliminary Amendment (5 pages)

June 14, 2004
~~May 18, 2004~~
Date

Janice R. Kuhm

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Signature

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Application. Number: 10/783,574
Filing Date: 02/19/04
Applicant: Marvin Loeb
Examiner/ AU: Not Assigned/ 3739
Application Title: *An Angular Deflection Apparatus for use in Confined Spaces and Method of Use*
Docket Number: Loeb.M-04

PRELIMINARY AMENDMENT

Sir:

Please amend the claims as shown below. The added matter in this amendment finds antecedence in the specification as filed, on page 5, lines 24 and 25.

In the Claims:

1. (original) An apparatus comprising: a means for affecting tissue, the tissue affecting means disposed within a first enclosure having a preferred shape; the first enclosure disposed within a second enclosure and thereby constrained to the shape of the second enclosure, the second enclosure being more rigid than the first enclosure; the first enclosure free to translate within the second enclosure, thereby extending from the second enclosure to assume the preferred shape so as to move proximate a tissue surface.
2. (currently amended) The apparatus of claim 1 wherein the means for affecting tissue is at least one of a burr, a rotating guillotine, a source of fluid under elevated pressure, a cryogenic fluid, and a source of wave energy.
3. (original) The apparatus of claim 1 wherein the first enclosure is a tube having a proximal end portion and a distal end portion.
4. (original) The apparatus of claim 1 wherein the second enclosure is a constraining sleeve.
5. (original) The apparatus of claim 3 wherein the distal end portion of the tube is made of a superelastic memory metal alloy treated to assume the preferred shape after being deformed therefrom.